

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Wireline Competition Bureau Publishes)	
Census Blocks, and Commences Challenge)	WC Docket No. 10-90
Process, For Second Round of Connect)	
America Phase I)	
)	

To: The Commission
 Chief, Wireline Competition Bureau

**OPPOSITION OF
RURAL BROADBAND NETWORK SERVICES, LLC**

Rural Broadband Network Services, LLC (“RBNS”), by counsel and pursuant to the procedures outlined in the above-referenced Public Notice,¹ hereby submits this Opposition as part of the challenge process for the second round of Connect America Fund (“CAF”) Phase I. The Public Notice links to a list of Census blocks for which price cap carriers have requested CAF funding in their submissions.² Interested parties like RBNS “may challenge price cap carriers’ Phase I deployment plans by demonstrating that a block in question is already served by fixed Internet access with the requisite speeds.”³ By this Opposition, RBNS provides documented evidence that RBNS provides fixed Internet access with speeds of at least 3 Mbps/768 kbps in the Census blocks identified in Attachment A. Accordingly, these Census blocks are ineligible for funding in this second round of CAF Phase I.

¹ *Wireline Competition Bureau Publishes Census Blocks, and Commences Challenge Process, For Second Round of Connect America Phase I*, Public Notice, WC Docket No. 10-90, DA 13-1832 (rel. Aug. 28, 2013). (“Public Notice”)

² The Public Notice indicates that the list of the requested Census blocks is listed at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-323008A1.xlsx.

³ *Id.*

RBNS is a facilities-based, regional Internet Service Provider based in Harrisonburg, Virginia that has been providing Internet access services since 2003. RBNS builds broadband network systems in rural Virginia communities and offers terrestrial fixed wireless broadband services using licensed and unlicensed frequencies to Government, business and residential customers in northern and central Virginia.

In this proceeding, RBNS is an interested party that offers broadband Internet access service that meets the FCC's 3 Mbps/768 kbps criteria in those Census blocks listed in Attachment A. These same Census blocks also appear on the list of Census blocks that price cap carriers propose to serve in round two of CAF Phase I.⁴ The Commission has stated that "[a]ll filings in the challenge process must be supported by some form of documented evidence,"⁵ and RBNS fulfills this requirement by providing in Attachment B the following documented evidence to support this filing:

- 1) On August 28, 2013, RBNS provided Round Eight coverage information to the Virginia broadband mapping authority that depicts more current coverage than the National Broadband Map data (dated as of December 31, 2012). Attachment B contains a map generated based on the same data set that shows RBNS coverage to nearly the entirety of Page County, Virginia, where all of the Attachment A Census Blocks are located.
- 2) The National Broadband Map identifies areas where as of December 31, 2012, RBNS provided broadband service where the most common advertised download speed is between 3 Mbps and 6 Mbps and the most common advertised upload speed is between 768 kbps and 1.5 Mbps. Attachment C

⁴ Attached hereto as Attachment D is the Declaration of Alex Phillips, President of Rural Broadband Network Services, LLC which certifies the truth of the factual statements presented herein.

⁵ *Connect America Fund*, Report and Order, WC Docket No. 10-90, DA 13-73 (rel. May 22, 2013).

depicts a relevant portion of the National Broadband Map that shows significant overlap with the Census blocks listed in Attachment A.

- 3) RBNS provides services to, and invoices, customers whose addresses of record are located in two of the Census blocks identified in Attachment A. Four RBNS customers are located in Census Block 511390303002026, and one RBNS customer is located in Census Block 511390304002021. In lieu of providing redacted customer billing records to demonstrate the presence of these customers, RBNS President Alex Phillips is submitting a certification that these customers are currently being served in the relevant Census block.⁶ These five customers have at least one active broadband connection that RBNS provisions and equips with terrestrial fixed wireless or other fixed broadband services, and these customers receive fixed broadband service with advertised speeds of at least 3 Mbps downstream and 768 kbps upstream. In addition, in the remaining Census blocks identified in Attachment A, RBNS generally can make broadband service at these same speeds available⁷ to end users within these Census blocks within a brief period without an extraordinary commitment of resources, provided that the customers are within the areas depicted in RBNS's coverage map in Attachment B. According, these Census blocks should be deemed "served" for purposes of round two of CAF Phase I.

⁶ *Wireline Competition Bureau Reminds Connect America Phase I Challenge Participants to Protect Customer Privacy in Challenge Process*, WC Docket No. 10-90, DA 13-1988 (Wireline Comp. Bur., rel. Sept. 26, 2013).

⁷ *See State Broadband Data and Development Grant Program*, 74 Fed. Reg. 32545, 32548 (defining broadband service as "available" to an end user address for purposes of the Recovery Act and the National Broadband Map if "a broadband service provider does, or could, within a typical service interval (7 to 10 business days) without an extraordinary commitment of resources, provision two-way data transmission to and from the Internet with advertised speeds of at least 768 kilobits per second (kbps) downstream and at least 200 kbps upstream to the end user at the address.").

Conclusion

In this Opposition, RBNS submits documented evidence that the Census blocks listed in Attachment A should not be deemed eligible for funding to price cap carriers for purposes of phase two of Connect America Fund Phase I incremental support. Accordingly, RBNS respectfully requests the relief described herein.

Respectfully submitted,

September 27, 2013

**RURAL BROADBAND
NETWORK SERVICES, LLC**

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Attachment A
Rural Broadband Network Services, LLC

**Census Blocks identified in the Public Notice* for which
Rural Broadband Network Services, LLC offers Internet access service at
3 Mbps/768 kbps or greater**

FIPS Code	State	Carrier
511390303002026	VA	CenturyLink
511390303002055	VA	CenturyLink
511390303002058	VA	CenturyLink
511390303002063	VA	CenturyLink
511390303002073	VA	CenturyLink
511390303002080	VA	CenturyLink
511390304002010	VA	CenturyLink
511390304002012	VA	CenturyLink
511390304002016	VA	CenturyLink
511390304002020	VA	CenturyLink
511390304002024	VA	CenturyLink
511390304002025	VA	CenturyLink

** Wireline Competition Bureau Publishes Census Blocks, and Commences Challenge Process, For Second Round of Connect America Phase I, Public Notice, WC Docket No. 10-90, DA 13-1832 (rel. Aug. 28, 2013).*

Attachment B
Rural Broadband Network Services, LLC

**Coverage Maps from Data Recently Provided
To State Broadband Mapping Authority**

The first map in Attachment B depicts coverage by Rural Broadband Network Services, LLC over Page County, Virginia and surrounding areas using the same data set that was provided to Virginia's state broadband mapping authority in August 2013. RBNS used a commercial service called TowerCoverage.com to create this data set. This program uses a propagation model to determine coverage of antennas at a specific frequency, power levels and beam width. Antenna pattern files are used from each of the antenna manufactures to determine how an antenna will perform and receiver thresholds are specified to support minimum of 5mbps downstream and 1mbps upstream.

For comparison, the second map in Attachment B was captured from the FCC's website, which lists "Areas to be Potentially Covered" in round 2 of Connect America Fund Phase I: <http://www.fcc.gov/maps/connect-america-fund-phase-i-round-two> (visited Sept. 27, 2013).

[Address Search](#)

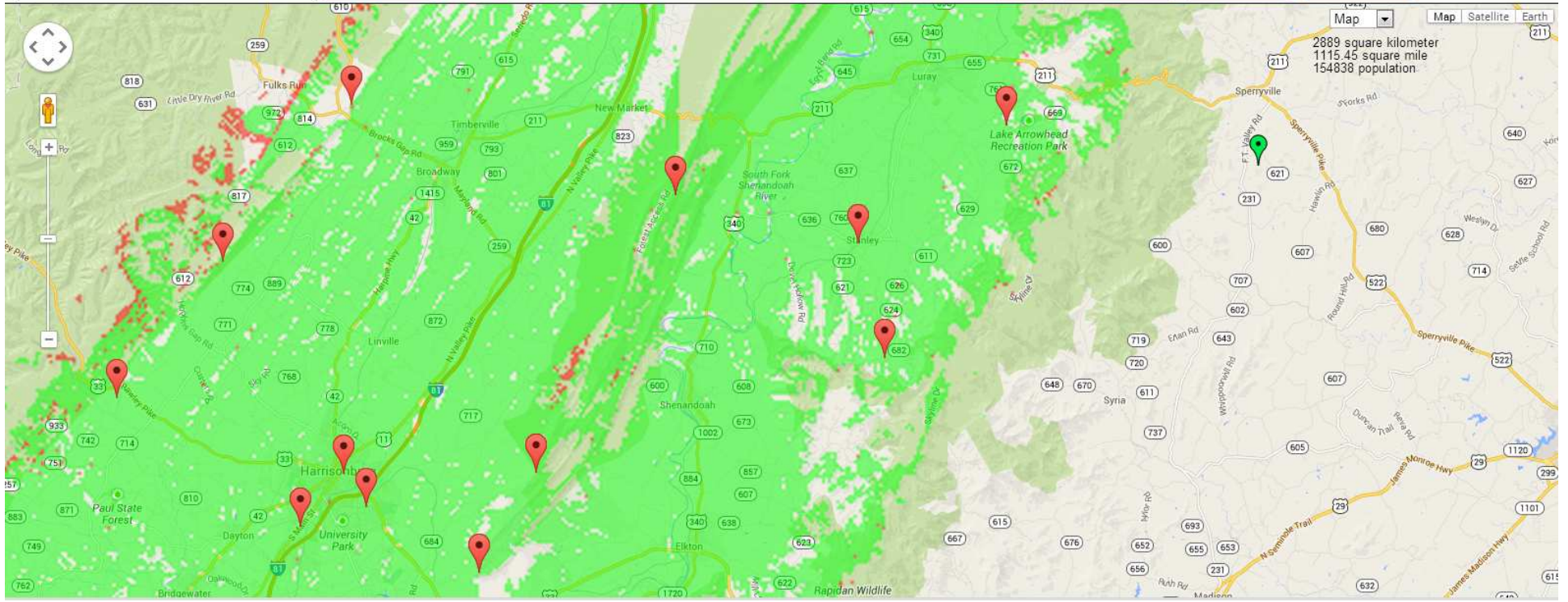
[Radar](#)

[Collected Data](#)

[Path Analysis](#)

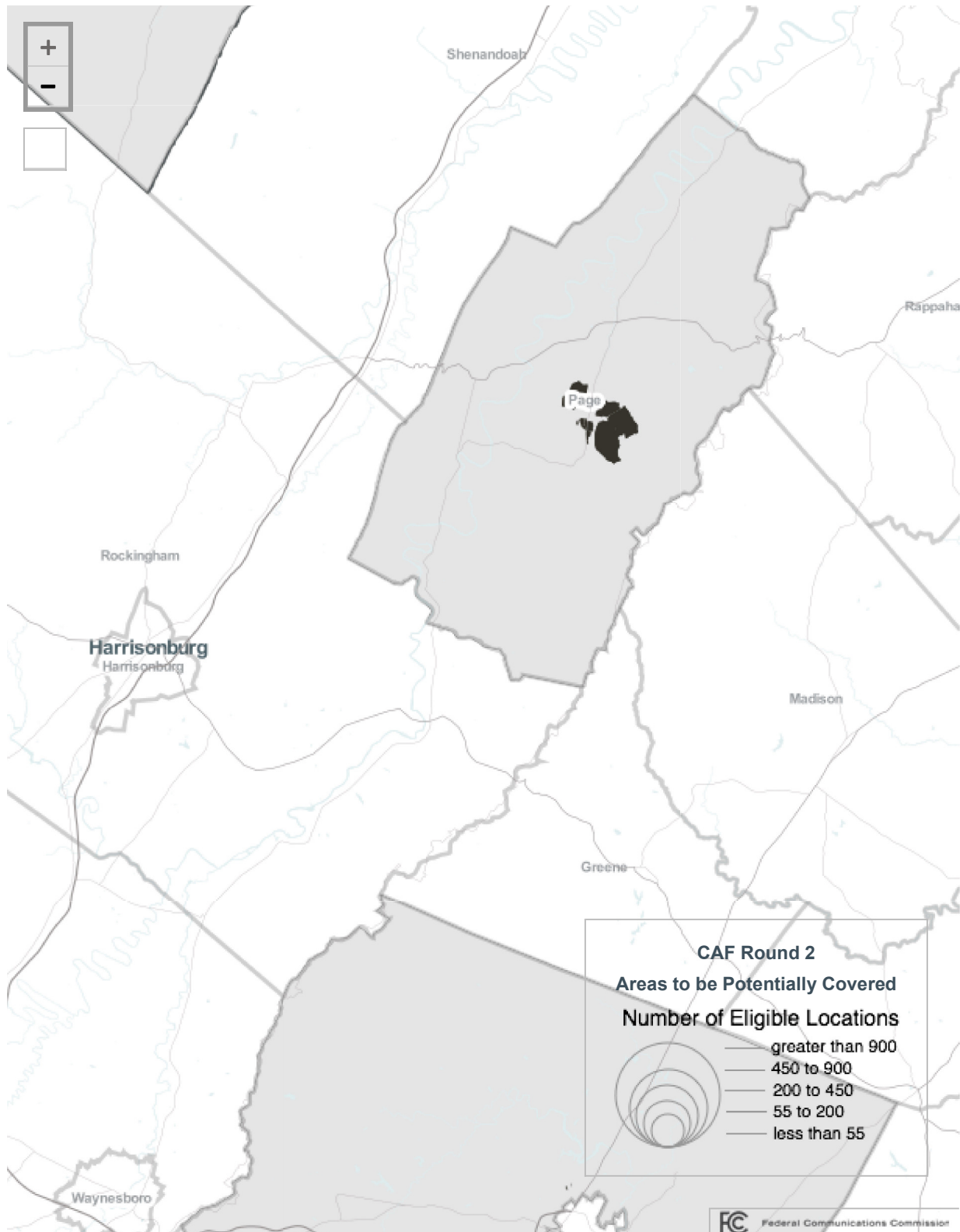
[Action](#)

[Select Overlays](#)



Connect America Fund (CAF) Phase I Round Two by Federal Communications Co...

This map shows the areas where new broadband may be deployed as a result of the second round of Conne...



Attachment C
Rural Broadband Network Services, LLC

Coverage Map from National Broadband Map
(data as of December 31, 2012)



Permalink
Short URL »

Tweet

Broadband Provider Service Area

Data as of: 12/31/12

RURAL BROADBAND NETWORK SERVICES LLC

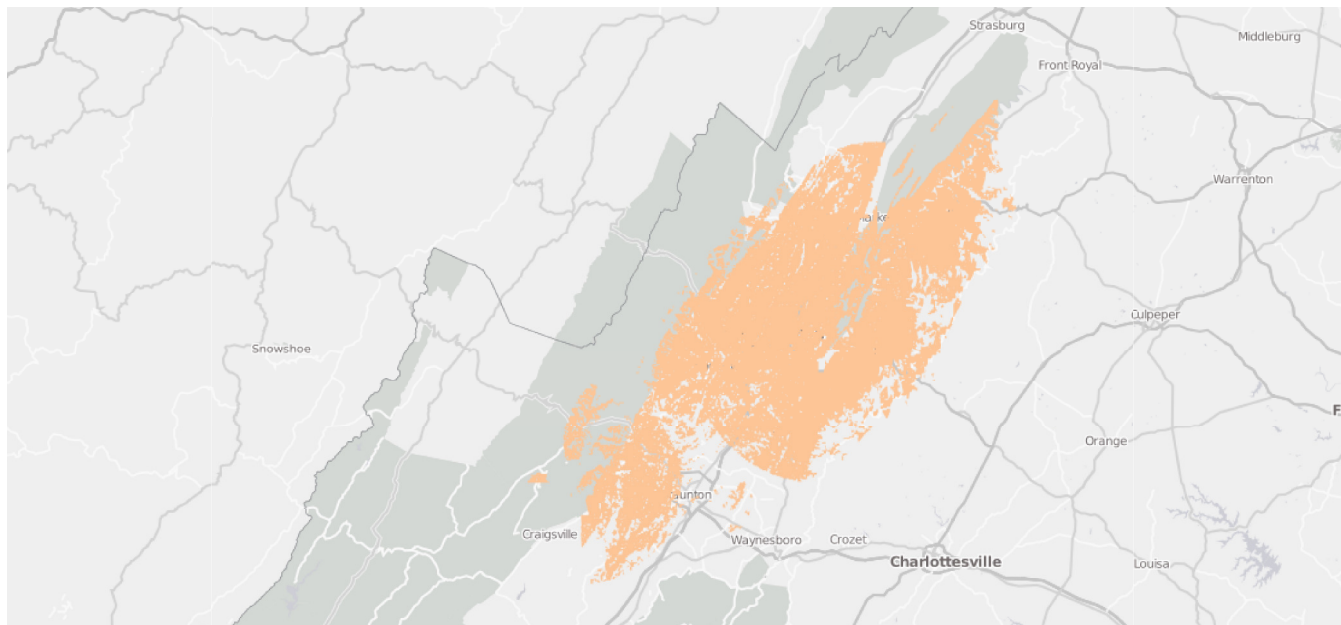
Refresh Map

Enter a provider name, then click **Refresh Map**.

Note: Some providers may only offer either wireline or wireless technologies.

WIRELINE

WIRELESS



The **National Broadband Map** is a tool to search, analyze and map broadband availability across the United States. Created and maintained by the **NTIA**, in collaboration with the **FCC**, and in partnership with 50 states, five territories and the District of Columbia.

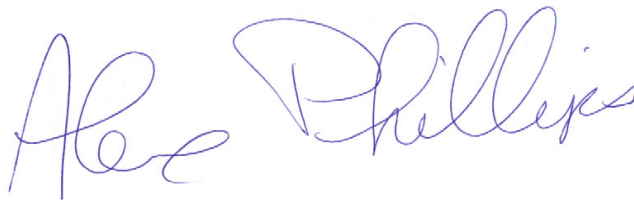


Declaration of Alex Phillips

I, Alex Phillips, hereby declare under penalty of perjury as follows:

I am the President of Rural Broadband Network Services, LLC. This Declaration is submitted in support of Rural Broadband Network Services, LLC's Opposition in response to the Wireline Competition Bureau's Public Notice that starts a challenge process for census blocks for which price cap carriers have sought funding for round two of Connect America Fund Phase I. Further, I certify that four RBNS customers located in Census Block 511390303002026, and one RBNS customer is located in Census Block 511390304002021 are currently being served by RBNS with fixed Internet access with speeds of 3 Mbps/768 kbps or higher. I have read the Opposition; all facts set forth therein which are not already subject to official notice are true and correct to the best of my knowledge and belief.

Executed on September 27, 2013



Alex Phillips

CERTIFICATE OF SERVICE

I, Jonathan Allen, an attorney with Rini O'Neil, PC, hereby certify that I have caused copies of the foregoing "Opposition of Rural Broadband Network Services, LLC" to be sent this 27th day of September, 2013, to:

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/s/ Jonathan E. Allen
Jonathan E. Allen

*via email